

ENF.4 *Total Cost Recovery Settlements (Including Dollar Value)***Section 1 - Program Activity Information**

1.1 Program Activity: Total Cost Recovery Settlements (Including Dollar Value)

1.2 Program Activity Category: Program Measure

1.3 Program Area: Enforcement

1.4 EPA Sponsor:

Data Sponsor	Program Area	Phone Number
Dan Dickson	Enforcement Data	202-564-6041

Section 2 - Problem/Decision Objective

2.1 Problem: The goals of the Superfund enforcement program include entering into fair settlements and ensuring compliance with these settlements. EPA must monitor compliance of PRP performance and obligations. The Superfund enforcement program must track cost recovery settlements and money associated with them in cases where parties agree to pay past costs incurred by EPA.

2.2 Stakeholder(s): Headquarters Enforcement staff (OSRE), Regional EPA Staff, Congress and the Public.

2.3 Decision-maker(s): Regional Administrators or their delegates sign the Enforcement Instruments that serve as the basis for this measure. EPA Regional WasteLAN staff are responsible for entering the data into WasteLAN on their behalf.

2.4 Decision: This measure tracks enforcement instruments where parties agree to pay past costs to the Agency. Credit is given for Consent Decrees and Administrative settlements. Specifically, the measure counts the total number of enforcement cost recovery settlements where parties agree to pay past costs incurred by EPA, and the value of the past costs to be recovered pursuant to these settlements.

Credit is given for CD settlements (Action Name = Consent Decree) for RD/RA or other response actions with a cost recovery component, or CDs for cost recovery-only that were NOT a result of a previous litigation referral on the date of the Regional Administrator's memo transmitting the settlement to DOJ or HQ and recorded in WasteLAN as the actual start date (Actual Start) of the CD action. For CD settlements that are for cost recovery only and DO result from a previous litigation referral, regions should not add a CD start date (Actual Start). In these cases, Lodged by DOJ or Entered by Court SubActions, their actual completion dates (Actual Complete), and the actual completion date (Actual Complete) of the CD are recorded. The actual completion date of the CD is the date it is entered by the court. If the actual completion date for the Lodged by DOJ SubAction exists, credit will be given in the FY identified by this completion date.

For Administrative settlements, credit is given on the date that the Regional Office or DOJ receives payment from the PRPs in direct response to a demand letter for voluntary cost recovery or the date the Regional Administrator or delegatee signs the Administrative Order on Consent (AOC) or Consent Agreement (CA) for cost recovery. The date must be reported in WasteLAN as the actual completion date

(Actual Complete) of the administrative/voluntary cost recovery (Action Name = Admin/Voluntary Cost Recovery), AOC (Action Name = Admin Order on Consent), or CA (Action Name = Consent Agreement).

An enforcement instrument is active until the provisions of the instrument or another document incorporated by reference is completed including payment provisions and monitoring (with the exception of any activity related to record retention). (The CD, AOC, or CA has an Overall Compliance Status of “Closed Order/Settlement”; and the SubAction = Closed Order or Settlement, or the SubAction = Closed Order or Settlement with Potential for Penalty Claim has an Actual Completion Date).

Section 3 - Information Needs

Name	Source	System	Table/Column
Site Id	WasteLAN	WasteLAN	site/site_id enf_enforce_response_actions /resp_action_site_id,
Settlement/Enforcement Instrument Action.	Settlement Document (Consent Decree) for an RD/RA or other response action with a cost recovery component or CDs for cost recovery WITHOUT a preceding Litigation action.	WasteLAN	action/rat_code, act_code_id
Actual Start Date	Settlement Document - Date the Regional Administrator’s memo transmitting the settlement to DOJ or EPA HQ.	WasteLAN	action.act_actl_start_date
OR			
Settlement/Enforcement Instrument Action.	Settlement Document (Consent Decree) for cost recovery only WITH a preceding Litigation action.	WasteLAN	action/rat_code, act_code_id where rat_code = ‘CD’
CD Actual Completion Date	The date the settlement (CD) is entered by the court.	WasteLAN	action.act_actl_cmplt_date
Actual completion date for Lodged by DOJ subaction	Also record the actual completion date (date recorded by the court) for subaction Lodged by DOJ		
OR			
Settlement/Enforcement Instrument Action.	Settlement Document (Action Name = Admin/Voluntary Cost Recovery, Admin Order on Consent or Consent Agreement).	WasteLAN	action/rat_code, act_code_id where rat_code in (‘AV’, ‘AC’, ‘CA’)

Name	Source	System	Table/Column
Actual Completion Date	The date that the Regional Office or DOJ receives payment from the PRPs in direct response to a demand letter for voluntary cost recovery or the date the Regional Administrator or delegatee signs the settlement document (AOC, CA)	WasteLAN	action.act_actl_cmpltn_date
AND			
Federal; Costs Settled - Past	The value of past costs recovered by the Agency pursuant to the settlement document.	WasteLAN	enf_action_details.ead_federal_past_costs
Other Relief Achieved	Any other (non-monetary) forms of relief at the site, as addressed by the settlement.	WasteLAN	enf_act_other_relief.renr_code, enf_act_other_relief.renr_desc
Enforcement Instrument Categories Selected	Categories which help specify the nature of the settlement document and the work for which it is recovering money.	WasteLAN	enf_act_category.rsetlc_code, ref_settlement_category.rsetlc_desc
Enforcement Action Amended - subaction	Amendment to the existing Enforcement Instrument	WasteLAN	action.rat_code, action.act_code_id
Update Compliance History - Overall Compliance Status History	The current status of the enforcement instrument/settlement	WasteLAN	rcs_overall_status_code, rcs_overall_status_desc
SubAction = Closed Order or Settlement, or the SubAction = Closed Order or Settlement with Potential for Penalty Claim has an Actual Completion Date	These subactions apply to Admin Orders on Consent, Consent Agreements, and Consent Decrees. The presence of these subactions/milestones along with an official "completion date" indicates that the settlement action is no longer active.	WasteLAN	action/rat_code, act_code_id, action.act_actl_cmpltn_date

Section 4 - Scope/Universe

Total Cost Recovery Settlements is the total universe of CERCLA enforcement cost recovery settlements where the parties agree to pay past costs to the Agency. This measure applies to settlements at non-Federal facility NPL, Superfund Alternative, and non-NPL sites. Total Cost Recovery Settlements will be reported as the combined total of CDs, CAs, Administrative/ Voluntary Cost Recovery actions and AOCs where cost recovery has been achieved. The measure reports both the number of settlements as well as the value of the past costs to be recovered pursuant to each of these settlements.

Section 5 - Data Quality Requirements

- 5.1 Completeness: DQO applies to sites with specific settlement actions (enforcement instruments). In order to receive credit towards this measure, one of the noted actions must be entered on the Enforcement project schedule with an actual start/actual completion date specified. Each action must be supported by a signed settlement document. If the settlement is a Consent Decree, it must be accompanied by a 10-point analysis.
- 5.2 Accuracy: The data recorded in CERCLIS must reflect the correct, true, or reported values as reflected in source documentation. Planning Data is viewed immediately following the establishment of quarterly targets and must therefore be accurate to within the fiscal year quarter.
- Most Accurate - Data reported in official decision source document
- 5.3 Timeliness: This data should be entered in real time if possible. All data MUST be entered by the end of the fiscal year quarter in which it occurs. The data sponsor analyses the data at the national level to verify data entry on a regular (weekly-to-monthly).
- 5.4 Consistency: The data must be consistent throughout the user group, based on standards provided by Headquarters staff in the enforcement office. The data sponsor uses the Enforcement Reports in WasteLAN (in this case, the ENFR-03) to determine the consistency of data entered by the regions.
- Most Consistent – National guidance and definitions have been distributed.

Section 6 - Information Collection and Reporting

- 6.1 Source for the Information: Administrative Order on Consent (AOC), Consent Agreement (CA), Consent Decree (CD), or Administrative/Voluntary Cost Recovery (AV)
- 6.2 User Interface: User enters action and date data on the Enforcement Project Schedule and settlement data on the Enforcement Instrument screen.
- 6.3 System Transfers: This information is snapshot from regions to Headquarters
- 6.4 Internal outputs: ENFR-03
- 6.5 Audit reports:
- 6.6 External outputs: reported annually to Congress
- 6.7 Guidance documentation:
- ▶ Superfund Program Implementation Manual (SPIM) – OSWER Directive 9200.3-14-1G-Q